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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA  
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5 The Neil R. Phelps Jr. and Leesa B. Phelps  
6 Family Trust, a Nevada Trust,

7 Plaintiff,

8 v.

9 Western Progressive – Nevada, Inc., a  
10 Delaware Corporation; Wells Fargo Bank,  
11 N.A., *et al*,

12 Defendants.

Case No.: 2:22-cv-01127-CDS-EJY

**Remand Order**

(ECF No. 6)

13 The Neil R. Phelps Jr. and Leesa B. Phelps Family Trust filed this action in Nevada State  
14 Court. Defendant Wells Fargo, N.A. removed this case to this court under 28 U.S.C. §§ 1332,  
15 1441, and 1446 based on diversity jurisdiction. ECF No. 1. Plaintiff filed an emergency motion to  
16 remand (ECF No. 6), which Defendant Wells Fargo, N.A. opposed (ECF No. 19). Before oral  
17 argument on the motion to remand, Plaintiff filed a notice of ratification (ECF No. 16) which  
18 amended the Trust to add ATSD LIMITED as a Trustee. ECF No. 16-3. ATSD Limited is a  
19 Delaware Corporation. *Id.* The addition of ATSD LIMITED divests this Court of jurisdiction. *See*  
20 28 U.S.C. § 1332(a)(1) (Diversity jurisdiction exists if the plaintiff and the defendant(s) are  
21 citizens of different states, and the amount of controversy exceeds \$75,000).

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1 Accordingly, for the reasons stated on the record during the August 8, 2022 hearing on  
2 Plaintiff's motion to remand (ECF No. 6) and Defendant Wells Fargo's Motion to Dismiss (ECF  
3 No. 8), IT IS HEREBY ORDERED that:

- 4 • Plaintiff's Motion to Remand (ECF No. 6) is GRANTED;
- 5 • Defendant's Motion to Dismiss (ECF No. 8) is DENIED AS MOOT; and
- 6 • The Clerk of Court is directed to REMAND this case back to the Eighth Judicial  
7 District Court, Department V, Case No. A-22-852965-C, and CLOSE THIS CASE.

8 Dated: August 9, 2022

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11 U.S. District Judge Cristina D. Silva